THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 16050 of 2005

Date: 27.06.2006

Between:

T. Harinatha Naidu & others

... PETITIONERS

AND

The Govt., of A.P., rep., by its Secretary,
Co-operation Department, Secretariat,
Hyderabad & others.

... RESPONDENTS

ORDER:

The petitioners, who are the employees of the 5th respondent Cooperative Town Bank Limited, a society registered under the Societies Registration Act, filed this writ petition seeking a writ of Mandamus to declare the action of the respondents in not considering their representation for payment of retirement benefits including gratuity, as illegal, arbitrary and violation of Article 21 of the Constitution of India.

However, it is submitted by the learned counsel for the respondent - Bank that in view of the financial position expressed by the Bank, the petitioners came to an understanding and agreed to receive the gratuity amount after deducting the loan amount due by them to the Bank. Further, so far as leave encashment is concerned, it is agreed that the same will be paid subject to the final orders of this Court in WP.No.25906 of 2003.

It is stated by the learned counsel for the respondent - Bank that initially the 2nd petitioner was not agreed, but later he has agreed for the same terms. If any amounts are due to him as per the understanding arrived at between the respondent – Bank and the 2nd petitioner, the respondent – Bank shall make arrangements for payment of the said amount.

In that view of the matter and in view of the understanding arrived

at between the Bank and the petitioners, I dispose of the writ petition directing that payment shall be made in accordance with the terms as indicated in the proceedings dated 12.12.2005 signed by the Chief Executive Officer, In-charge of the Bank and as well as the petitioners.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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27.06.2006

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